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6

7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10 UNITED STATES OF AMERICA, )  
11 v. Plaintiff, ) No. CR 14-MJ-71426-MAG  
12 ) STIPULATION AND [PROPOSED]  
13 ) ORDER WAIVING TIME UNDER  
14 JOSE VLADAMIR ORTIZ, ) RULE 5.1 AND CONTINUING  
15 ) PRELIMINARY HEARING DATE  
Defendant. ) FROM MARCH 25, 2015 TO APRIL  
10, 2015

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### STIPULATION

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IT IS HEREBY STIPULATED, by and between the parties to this action, that the court date  
for Jose Vladamir Ortiz, currently scheduled for March 25, 2015, at 9:30 a.m., be continued to  
April 10, 2015, at 9:30 a.m. for waiver of indictment and arraignment on information. After much  
negotiation between the parties, the government has proposed a pre-indictment resolution. Defense  
counsel was unable to meet with her client to review the proposal until today, March 23, 2015, and  
Mr. Ortiz requests additional time to consider it. In addition, defense counsel has additional  
investigation to do and requires additional time for effective preparation. Furthermore, defense  
counsel will be out of state and unavailable during the week of March 30, 2015.

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For the reasons stated above, Mr. Ortiz and the government jointly request that the preliminary

1 hearing date be moved from March 25, 2015 to April 10, 2015. The parties further request that time  
2 be excluded and waived under Federal Rule of Criminal Procedure 5.1 between the aforementioned  
3 dates and such waiver is made with Mr. Ortiz' consent. Based on the good cause described above,  
4 the parties make their request to allow for effective preparation of counsel and in the interests of  
5 justice.

6 SO STIPULATED

7 DATED: 3/23/15

8 \_\_\_\_\_ /s/  
9 JOYCE LEAVITT  
Assistant Federal Public Defender

10 DATED: 3/23/15

11 \_\_\_\_\_ /s/  
12 KATIE BURROUGHS MEDEARIS  
Assistant United States Attorney

13 I hereby attest that I have permission of the parties to enter a conformed signature (/s/) for all  
signatures within this e-filed document.

14 **ORDER**

15 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that, based upon the reasons stated  
16 by the parties, the Court finds that the request to continue the date is supported by good cause and  
17 made with the consent of defendant Jose Vladamir Ortiz. Fed. R. Crim. Pro 5.1(c) and (d). The  
18 Court therefore finds that an exclusion and waiver of time between March 25, 2015 and April 10,  
19 2015, is merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and moves the date  
20 of the preliminary hearing to April 10, 2015 at 9:30 a.m.

21 SO ORDERED.

22 DATED: 3/24/15

23 \_\_\_\_\_  
24 Kandis Westmore  
HONORABLE KANDIS WESTMORE  
United States Magistrate Judge  
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